

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04CV593-01-MU

ANTOINE DWAYNE WELLS,

Petitioner,

v.

STATE OF NORTH CAROLINA,

Respondent.

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Motion to Reinstate Previous Motion for Appropriate Relief, filed March 6, 2006.

On November 29, 2004, Petitioner filed documents which were docketed as a federal habeas petition pursuant to 28 U.S.C. § 2254. A further review of Petitioner's filing revealed that he intended to file these documents in state court. Consequently, this Court dismissed Petitioner's filings without prejudice. Petitioner has filed the instant motion in this federal court but again it is captioned for the state superior court. Moreover, based upon the text of Petitioner's motion it appears he fully intended to file his motion in state court.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Motion to Reinstate Previous Motion for Appropriate Relief is **DENIED**.

Signed: March 10, 2006



Graham C. Mullen  
United States District Judge



